

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3

4 WYNDHOLME VILLAGE, LLC, et al :

5 Plaintiffs/Counterdefendants :

6 Vs. : CIVIL ACTION NO.

7 NADIF OF WYNDHOLME, LLC, et al: L01-3809

8 Defendants/Counterplaintiffs :

9

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11 Deposition of JOHN R. QUINN, taken on

12 Friday, March 14, 2003, at 10:13 a.m., at the law

13 offices of Tydings & Rosenberg, LLC, 100 E. Pratt

14 Street, 26th Floor, Baltimore, Maryland, before

15 Bonnie L. Russo, Notary Public.

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20 Reported by:

21 Bonnie L. Russo

1 in Maryland?

2 A. Yes.

3 Q. Where and for what purpose?

4 A. I met him at the Ritz Carlton site and I

5 don't remember but I think it was about putting

6 equity in the Ritz Carlton deal.

7 Q. Now, returning to Exhibit 3, look at

8 page 4 if you would, please.

9 Maybe before we do that have you ever

10 met with Mr. Berkowitz here in Maryland?

11 A. No.

12 Q. Do you know whose signature it is for

13 Gotham Q Venture 1, LLC?

14 Do you know who signed?

15 Do you know whether that's Mr.

16 Berkowitz's signature?

17 A. I see. I don't know.

18 Q. Do you know who Gotham Partners, LP is?

19 A. No.

20 Q. Do you know what Gotham Q Venture 1, LLC

21 is?

1 A. I don't think it was ever formed. It
2 was an entity that was intended to be formed.

3 Q. How do you know it was never formed?

4 A. I said I don't think it was ever formed.
5 I'm not sure.

6 Q. Why do you say that?

7 A. I don't know why I said it. Maybe it
8 was formed. I don't know if it was formed.

9 Q. Who is Section H Partners, LP?

10 A. Where is that?

11 Q. You see agreed and accepted. To the
12 right of that.

13 A. I don't know.

14 Q. How about DPB Corp?

15 A. Don't know.

16 Q. Now, what is Mountainbrook Trust?

17 A. Mountainbrook Trust was -- is Howard
18 Zukerman's trust.

19 Q. When you say trust where was that trust
20 formed?

21 A. I have no idea.

1 Q. Do you know who formed it?

2 A. No.

3 Q. Do you know whether Mr. Berkowitz had a
4 relationship to Mountainbrook Trust?

5 A. Don't know.

6 Q. How about Jolipenny II Trust?

7 Do you know what that is?

8 A. That would be my son.

9 Q. And it says John Quinn there. Is that
10 your son?

11 A. Yes.

12 Q. And that's who you referred to earlier
13 as J?

14 A. Yes.

15 Q. And what is the Jolipenny II Trust?
16 A. It was -- I believe it was going to be a
17 trust to do this transaction of which I don't
18 believe it ever got formed.

19 Q. How would that transaction supposed to
20 work?

21 A. You mean as far as percentages?

1 Q. Yes.

2 A. Gotham would have got 50 percent of the
3 company. And then probably it was thirds after
4 that of 50 percent.

5 Q. And how did the Jolipenny II Trust
6 specifically work?

7 A. I don't think it had -- I think it would
8 just be formed to do this. Again, I never got
9 involved in these kinds of details. I never
10 understood that. Never.

11 Q. How is Mr. Fisher going to get
12 compensated for his efforts with regard to this
13 transaction?

14 A. He would have probably put it to some
15 kind of trust himself.

16 Q. I don't see Mr. Fisher's name in this
17 document. How would he or perhaps --

18 A. It would have probably -- if his name
19 isn't in something you can rest assured he didn't
20 sign it behind the scenes. He is in and wherever
21 he directs us to give our piece of whatever we

1 earn it's a side agreement or a different
2 agreement.

3 Q. So is it your belief that there is a
4 side agreement someplace by which Mr. Fisher or
5 someone that he would designate would receive
6 part remuneration or compensation?

7 A. It would be some type of an agreement
8 that he would get compensated X. Or not him.
9 Whoever he designates to do it.

10 Q. Have you known him to designate anybody
11 other than TJ?

12 A. No.

13 Q. Have you ever seen any of the signed
14 agreements?

15 A. No.

16 Q. Do you know who has possession of the
17 signed agreements?

18 A. Fisher probably has all this
19 paperwork. Neil Fisher has that.

20 Q. Why was your son John put into the deal?
21 A. Why?

1 Q. Yes. What was he bringing to the table
2 so to say?

3 A. He is a builder, developer. That's what
4 I do with the family. I don't put nothing in my
5 name.

6 Q. And why is that?

7 A. Read the newspapers.

8 Q. What do you mean by read the newspapers?

9 A. Look what they write about me. They
10 don't write nice things so why would I want to be
11 involved in anything anymore?

12 Q. So if I understand what you are saying
13 with regard to this, would John have been acting
14 as your agent?

15 A. No. He acts for himself. Not my agent.

16 He has his own company. Does his own business.
17 Does his own financing. He is very successful.

18 Q. Did he put any money into this
19 transaction?

20 A. No.

21 Q. Did he put any effort into this

1 transaction?

2 A. No.

3 Q. Was John Quinn, that is your son, you

4 referred to as J, was his name on this deal in

5 place of yours?

6 A. Was his name in place of mine? When it

7 started out it was mine. As I got gunned down I

8 would give it to him.

9 Q. How would you get compensated for your

10 input into the transaction?

11 A. We would have to see where it would take

12 me. I get a consultant fee. I get -- plus it

13 was never specific. I have been with Neil for 20

14 years and all I know the compensation was always

15 right.

16 Q. Neil would get his money through a side

17 agreement. Was there a side agreement that you

18 had with any person?

19 A. No. Oral agreements.

20 Q. This John Quinn is your son that you

21 referred to as J?

1 A. That's the trust they would have formed.

2 Q. After the signing of what is in Exhibit

3 2 do you have any -- that is the August

4 agreement, did you have any specific contact with

5 the project or any involvement in it?

6 A. This one?

7 Q. Yes. Referring to Exhibit 2, yes, the

8 Wyndholme project?

9 A. Yes. I told you it was minimum after

10 this.

11 Q. What was that minimum involvement?

12 A. Stop by, say hello. How are things

13 going?

14 Q. Who would you say hello to, Mr.

15 Lancelotta?

16 A. Or some of the deaf people.

17 Q. Did you have any specific recollection

18 of any contact with Mr. Lancelotta?

19 A. I don't remember when but I met him. I

20 saw him and said hello.

21 Q. When you said say hello to the deaf

1 of property where the Ritz is going. Not keeping
2 it. Getting an option to buy it.

3 Q. The we you are referring to is whom?

4 A. My son, Neil Fisher, and whoever his
5 people are.

6 Q. And who owns that property at present?

7 A. It's owned by the company that owns the
8 Ritz. Dean Adler and his company own it.

9 Q. What was the amount of the fee that you
10 received?

11 A. Several hundred thousand.

12 Q. And was that divided -- how was that
13 divided?

14 A. I don't remember. It went into the
15 business.

16 Q. What was that business?

17 A. I don't remember.

18 Q. Did Fisher receive any of it?

19 A. I don't know if he did or didn't.

20 Whatever he did or whatever he got is up to him.

21 Q. Do you know how much Fisher got out of

1 that transaction?

2 A. No.

3 Q. Do you know how much his wife got out of
4 the transaction, if anything?

5 A. No.

6 Q. Who would know that?

7 A. Fisher.

8 Q. What did the other participants get out
9 of the transaction? That is in terms of this
10 commission?

11 A. Nothing. You wound up having an option
12 -- right now my son has the option on that piece
13 of property with his wife, with Neil Fisher's
14 wife.

15 Q. You mentioned there was several \$100,000
16 was the amount of the commission. What did you
17 mean by several \$100,000?

18 A. I don't remember the amount.

19 Q. Well, was it --

20 A. I never paid attention to that.

21 Q. Was it 200,000 or 900,000?

1 A. I don't know. Ask Fisher what he got.

2 Q. I am asking what the overall commission

3 was. Do you know approximately what it was?

4 A. I don't think it was a commission. It

5 was just a fee. It was say hi. This is what you

6 want to take over this. This is what you pay

7 me. That's what it had to be at that time. I

8 don't remember what.

9 Q. Of that fee Fisher received some amount

10 but you don't know what, as I understand what you

11 are saying; is that correct?

12 A. I don't know who got the money.

13 Q. Did your son receive any of the money?

14 A. Probably.

15 Q. And who else besides your son?

16 A. I don't know.

17 Q. You said the money went into a business?

18 A. I'm not sure where it went. I just told

19 you it was some money that was made there. Where

20 it went that's not what I do.

21 Q. You mentioned TJ Fisher and your son

1 John have an option on the property or had an
2 option on the property?

3 A. Yes.

4 Q. Do they still have the option?

5 A. No.

6 Q. What happened?

7 A. They sold their interest.

8 Q. Who did they sell it to?

9 A. Ed Ganesca.

10 Q. Who is that?

11 A. The guy that is running the job over

12 there.

13 Q. For the Ritz?

14 A. Yeah.

15 Q. And what did they sell their option to

16 them for?

17 A. You mean why did he sell it?

18 Q. Yes. As I understand, there was an

19 option?

20 A. Yes. To get out -- with all the

21 newspaper articles here and everything we didn't

1 need -- when this deal closes any money put in by
2 anybody is supposed to come out of it. So we
3 didn't take a loss.

4 Q. What monies did you put into it?

5 A. I don't know.

6 Q. Who would have that information?

7 A. Neil.

8 Q. And what about -- would your son know?

9 Do you know what your son and TJ Fisher received
10 for signing over their option?

11 A. No.

12 Q. Have you ever discussed that with your
13 son?

14 A. No.

15 Q. How were you to get something out of the
16 Ritz Carlton project for your efforts?

17 MR. SAMMONS: Let me object. I can't
18 imagine how this is getting relevant to our case.

19 MR. SCHULMAN: You will find out one
20 day.

21 MR. SAMMONS: Taking the Ritz Carlton

1 all the way down? I don't see any reason to go
2 any further.

3 Answer his question.

4 MR. SCHULMAN: Are you going to instruct
5 him? As long as I am not being abusive, and I am
6 not being abusive --

7 MR. SAMMONS: Not in terms of your
8 style. Your questions are well framed. I don't
9 have any problems with the questions. There has
10 to be some relevance to all of this before it's
11 proper and subject to discovery.

12 THE WITNESS: What was the question?

13 MR. SCHULMAN: Can you read the
14 question?

15 (The record was read as requested.)

16 THE WITNESS: My son takes very good
17 care of me.

18 BY MR. SCHULMAN:

19 Q. How did your son take care of you with
20 regard to the Ritz Carlton projects?

21 A. I don't think he has ever taken care of

1 me anything specific. I have a home that I live
2 in that he owns. He pays my car. Pays my
3 expenses. I help him wherever I can.

4 Q. Have you ever declared bankruptcy?

5 A. Pardon me?

6 Q. Have you ever declared bankruptcy?

7 A. Yes.

8 Q. Where and when?

9 A. I declared bankruptcy twice. Both in
10 New York and I don't remember the dates.

11 Q. Do you remember the year?

12 A. No.

13 Q. Do you remember what court?

14 A. No.

15 Q. Do you know whether it was a broker?

16 A. I don't know.

17 Q. Do you know what lawyers -- did any
18 lawyers assist you?

19 A. I don't remember who they were.

20 Q. Why did you declare bankruptcy the first
21 time?

1 A. Why? I guess I had a lot of financial
2 problems.

3 Q. In general terms what were the nature of
4 the financial problems?

5 A. I don't remember.

6 Q. What about the second time?

7 A. Same thing.

8 Q. Do you know how many years ago you last
9 declared bankruptcy?

10 A. Maybe three.

11 Q. Do you know why you declared bankruptcy
12 three years ago?

13 A. Yes. I had a problem.

14 Q. What was the problem?

15 A. I owed the government about -- some
16 serious money.

17 Q. What was the nature of that money?

18 A. I don't know what it was over the years.

19 I just owed the money. Taxes.

20 Q. Do you know were there any tax liens
21 ever recorded against you to your knowledge?

1 A. I imagine a lot of them. A lot of liens
2 against me. I don't know what they are but there
3 were a lot of liens. That's what forced me into
4 these situations.

5 Q. 17 Hollow Way is owned by your son John?

6 A. No. Yes.

7 Q. I believe you said you lived at Middle
8 Cross Lane for 19 years?

9 A. Yes.

10 Q. Was that sold at foreclosure?

11 A. Yes.

12 Q. What year?

13 A. Five or six years ago. Seven years ago.

14 Q. Who was the foreclosing party?

15 A. The bank.

16 Q. What bank?

17 A. Don't remember. It wasn't a bank. It
18 was someone that bought the note from the bank.

19 Q. Was it -- what bank was it?

20 A. I think CitiBank sold the note to

21 someone else and then someone else bought it and

1 they foreclosed.

2 Q. Was the last foreclosure before or after
3 you became involved in the Ritz Carlton project?

4 A. Before.

5 Q. Do you have any cars in your own name?

6 A. No.

7 Q. Do you own any property in your own
8 name?

9 A. No.

10 Q. When is the last time you owned any --

11 MR. GOLDBERG: I'm going to object.

12 MR. SCHULMAN: I ask the witness to step
13 out and I will put it on the record.

14 MR. GOLDBERG: That's fine.

15 MR. SCHULMAN: Do you want to step out
16 so we can discuss this.

17 (The witness was excused from the
18 conference room.)

19 MR. SCHULMAN: First of all, it should
20 be Mr. Sammons' objection. You can't do two.

21 MR. GOLDBERG: I don't think there is

1 such a rule in depositions.

2 MR. SAMMONS: I object. Right now the
3 only things you are asking are -- the only
4 possible relevance of what you are asking would
5 be relating to any possible attempt that you may
6 have sometime down the road to collect on a
7 judgment. This guy's current assets are not
8 relevant to this litigation.

9 MR. SCHULMAN: A central issue in this
10 litigation is the allegation that these guys came
11 in and said we can write a check for \$7 million
12 if we want to. We contend they were frauds.
13 This guy has been through bankruptcies. He has
14 no assets. He has been less than candid in this
15 deposition, at least I suspect. I can't believe
16 he doesn't remember all this stuff.

17 I think I am entitled to establish the
18 absence of any assets and I am getting there and
19 I think that's why you shouldn't interrupt at
20 this juncture.

21 MR. GOLDBERG: I can object any time I

1 want to make a valid objection.

2 MR. SCHULMAN: Please lower your voice.

3 MR. SAMMONS: I don't know of any

4 allegation in this case that Mr. Quinn ever

5 represented that he was going to put up any money

6 or that he personally had the wherewithal to put

7 up any money. There is not an allegation to that

8 effect in this case.

9 MR. SCHULMAN: There certainly is.

10 MR. SAMMONS: There certainly is not.

11 The allegations in this case are in an affidavit

12 and in a complaint. Open them up and show me

13 where that is alleged.

14 MR. SCHULMAN: He is holding himself out

15 as a successful developer.

16 MR. SAMMONS: Sounds like he was

17 successful.

18 MR. SCHULMAN: Doesn't own any property.

19 Doesn't do this. He has these scams. Declaring

20 bankruptcy like Fisher is declaring and not

21 putting the assets down.

1 MR. SAMMONS: Like your client.

2 MR. SCHULMAN: Look --

3 MR. SAMMONS: There is no allegation in

4 this case that Jack Quinn ever said that he had

5 money or that he would put up money.

6 MR. SCHULMAN: Lower your voice. I

7 don't want to get -- you guys are getting

8 heated. I don't want to get on a tangent.

9 If you instruct him not to answer we

10 will get a magistrate to decide that. Tell him

11 not to answer. That's fine. I don't think he

12 has any personal property. That is relevant to

13 this case. It is arguably relevant to lead to

14 discoverable evidence.

15 MR. SAMMONS: What he has today has no

16 relevance to 1999.

17 MR. SCHULMAN: He said three, four years

18 ago.

19 MR. GOLDBERG: Collectability if you

20 should ever get a judgment and --

21 MR. SCHULMAN: These guys don't have

1 money. How can you say that with a straight
2 face?

3 Don't point your finger.

4 MR. GOLDBERG: I will point my finger
5 and raise my voice if I want.

6 MR. SCHULMAN: Let's take a break.

7 When you calm down I will come back.

8 MR. GOLDBERG: I'm calm.

9 MR. SCHULMAN: No, you are not. I am
10 walking to the men's room and I will be back when
11 you calm down. I will take the whole seven hours
12 with this guy.

13 MR. SAMMONS: Should we take a lunch
14 break?

15 MR. SCHULMAN: How many interruptions we
16 will get? I want to keep going.

17 I will go to the men's room. I will
18 continue this line of questioning. If you
19 instruct him not to answer, that's fine.

20 (A short recess was taken.)

21 BY MR. SCHULMAN:

1 Q. Let me start the question over again.

2 When was the last time you owned any
3 personal property?

4 MR. SAMMONS: I object to the
5 question. I instruct the witness not to answer.

6 BY MR. SCHULMAN:

7 Q. Did you own any personal property as of
8 the date when Exhibit 2 was signed?

9 MR. SAMMONS: Objection. You can
10 answer.

11 THE WITNESS: No.

12 BY MR. SCHULMAN:

13 Q. Did you own any personal property as of
14 July 8, 1999, the date reflected on the first
15 page of Exhibit 1?

16 MR. SAMMONS: Objection. You can
17 answer.

18 THE WITNESS: No.

19 BY MR. SCHULMAN:

20 Q. Did you own any real property as of July
21 8, 1999?

1 MR. SAMMONS: Objection. You may
2 answer.

3 THE WITNESS: No.

4 BY MR. SCHULMAN:

5 Q. Did you own any real property as of the
6 time Exhibit 2 was signed?

7 MR. SAMMONS: Objection.

8 THE WITNESS: No.

9 BY MR. SCHULMAN:

10 Q. Did you file your last bankruptcy -- I
11 think you may have answered this already. I
12 understood you to state that you filed your last
13 bankruptcy before Exhibit 2 was signed; is that
14 correct?

15 A. Yes.

16 Q. Do you know how long before?

17 A. No.

18 Q. Do you know whether you had filed your
19 last bankruptcy before July 8 of 1999?

20 A. Yes.

21 Q. And your answer is that it was before

1 Q. Where is he located now?

2 A. Don't know.

3 Q. Where did he reside the last you knew?

4 A. Brookville.

5 Q. Have you retained copies of your tax

6 returns in the past five years?

7 A. No.

8 Q. Have you filed tax returns with the

9 United States Government in the past five years?

10 MR. SAMMONS: Objection. I instruct him

11 not to answer.

12 MR. SCHULMAN: What is the basis of the

13 privilege?

14 MR. SAMMONS: It is not a privilege.

15 It has nothing to do with this case. Fundamental

16 issue has to be marginally limited to the subject

17 of the litigation.

18 BY MR. SCHULMAN:

19 Q. Did you file tax returns for the tax

20 years 1999?

21 A. I don't think so.

1 Q. Did you file federal tax returns that
2 year?

3 A. I don't think so.

4 Q. What about state return?

5 A. I don't think I filed any returns.

6 Q. When was the last time you filed a
7 federal tax return?

8 A. Don't know.

9 Q. Are you able to approximate?

10 A. No idea.

11 Q. Do you know who paid TJ Fisher any
12 monies concerning the Ritz Carlton project?

13 A. Don't know.

14 Q. Do you know whether it was any entity
15 associated with Richard Swinno?

16 A. No, it wasn't.

17 Q. Did you own the building in which the
18 computer company was housed?

19 MR. SAMMONS: Objection to the form of
20 the question. Him personally? Mr. Quinn
21 personally?